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EXAMINER

SAGER, MARK ALAN

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/663,398	JOHNSON, BRADLEY W.	
	Examiner	Art Unit	
	M. A. Sager	3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 1/26/07, 1/20/04 and 12/29/03.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-46 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/26/07, 1/20/04, 12/29/03</u> .                              | 6) <input type="checkbox"/> Other: _____                          |

***Information Disclosure Statement***

1. The information disclosure statement filed Jan 26, 2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. No copy of reference was received. Notice is provided to MPEP 609.07 that states in part a legible copy of each cited foreign patent document, NPL, and unpublished U.S. patent application (if the cited application is not stored in IFW or the cited information is not part of the specification, including the claims, and the drawings) must accompany the conventional IDS form and the requirements of 37 CFR 1.97 and 1.98 must be complied with for the IDS to be considered by the Office.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the processing means generates random winning numbers (claim 36) and processing means being configured to provide playback of recorded games (claim 35) such that processing means performs both functions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

Art Unit: 3712

must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: processing means generates random winning numbers (claim 36) and processing means being configured to provide playback of recorded games (claim 35) such that processing means performs both functions as claimed.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 36 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Art Unit: 3712

Essentially, the specification as originally filed, fails to reasonably convey to an artisan that the inventors possessed the invention regarding the processing means that generates the random number also provides playback of recorded games. Although, pre-recorded game is disclosed (paras 112, 147-149), there is no support that processing means that generates random outcome also provides playback of the prerecorded game, as claimed.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear regarding the metes and bounds of the invention if the processing means that generates random winning numbers also provides playback of recorded games.

8. Claims 27-29 recites the limitation "the prize for winning the progressive game" in line 1 each while there is no prize or progressive game in claim 20. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3712

10. Claims 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Itkis (4856787). As best understood with broadest reasonable interpretation of claim language, where citations stated herein are merely exemplary since other citations may also be provided that may be better suited such that holding is anticipation over reference teachings as a whole over claimed invention, Itkis discloses a method for playing multiple games simultaneously (abstract, 1:41-2:27, figure 4-5) including providing a game source (1) being adapted to provide a plurality of games such as blackjack, poker, keno or bingo (abstract, 3:13-45, fig. 1-3), providing an input device adapted to allow the player to enter wager information (abstract, 1:41-2:27, 4:29-5:17), allowing the player to select a plurality of games to play (abstract, 1:41-2:27, 3:13-5:43, figs. 1-7), allowing the player to play the plurality of games at a single time (sic).

11. Claims 8-11, 16-22, 24-27, 29-38 and 43-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Karmarkar (6508709). As best understood with broadest reasonable interpretation of claim language, where citations stated herein are merely exemplary since other citations may also be provided that may be better suited such that holding is anticipation over reference teachings as a whole over claimed invention, Karmarkar discloses a gaming device (abstract, 1:66-3:57, figs. 1-17) including a plurality of networked game sources each game source being configured to capture and transmit at least one game being played on at least one physical game table or plurality of capturing means for capturing a plurality of games being played on a plurality of physical game tables such as a plurality of video cameras configured to capture images of live games, further at least one transmitting means for transmitting the plurality of games to at least one display means displaying the plurality of games to a player, wherein each game source comprises at least one video camera, the video camera being configured to capture

Art Unit: 3712

images of a live game or wherein each game source comprises recorded games stored in a server, and the gaming device further comprises at least one video processor, the video processor being configured to provide playback of the recorded games, a recording means for recording a plurality of games and a processing means configured to provide playback of recorded games, wherein the game source provides games or capturing means captures games from a group consisting of roulette, craps, blackjack, poker, keno, pai gow, baccarat, and bingo or provides at least one table game, (abstract, 1:66-3:57, 5:42-7:57, 8:21-28, 9:38-10:7, 11:39-67, 17:55-58, 18:58-19:5, 20:18-37, figs. 1-17, ref 20, 22, 26, 28, 32, 34), at least one player interface or a means for interfacing the plurality of games to be playable at a single time (abstract, 1:66-3:57, 16:45-17:16, 17:33-21:45, figs. 1-17, esp. 1-13, refs. 46, 54) in communication with the plurality of networked game sources, the player interface comprising a display device and an input device, the player interface being adapted to receive the at least one game from the plurality of networked game sources, display the at least one game to a player, and allow the player to play the at least one game, wherein the player may place a wager on the at least one game and wherein the player may play the plurality of games at a single time, further comprising an input means for allowing a player to place a wager (abstract, 1:66-3:57, 7:58-8:47, 11:39-13:48, 14:54-15:20, 115:49-17:15, 17:44-18:30, 18:49-21:45, 22:8-18, figs. 1-17), wherein the player is allowed to apply one set of wagers to a plurality of games (17:55-58, 18:5-12), wherein the game source and the display device or the transmitting means and the display are connected using wireless communications (7:43-47, 7:58-8:47, 12:1-19, figs. 1-8), wherein the player interface or means for interfacing is configured to provide gaming instructions to the player (1:66-3:57, esp. 3:14-26, 20:62-67), wherein the processing means generates random winning numbers (13:49-

Art Unit: 3712

63), a method for playing multiple games simultaneously (abstract, 1:66-3:57, 5:42-7:57, 8:21-28, 9:38-10:7, 11:39-67, 16:45-17:16, 17:33-21:45, figs. 1-17) including providing at least one game source, the game source being adapted to provide a plurality of games to a player, providing an input device, the input device being adapted to allow the player to enter wager information, allowing the player to select a plurality of games to play; allowing the player to play the plurality of games at a single time (supra). Also, Karmarkar includes providing at least one game source adapted to provide a plurality of roulette games to a player (as from either casino has a plurality of live roulette game tables with differing wager limits as conventional or a plurality of pre-recorded/stored live roulette game table play or a plurality of players playing at a either a single/plurality of live roulette game tables or a combination thereof, sic), providing a roulette wagering field adapted to present the player available wagering schemes usable for playing the plurality of roulette games (19:36-41, 53-55, 20:18-33, 21:31-45, 22:35-26:46, figs. 1-17, ref. 460-466, implicit for wagering on multiple live table games including multiple roulette games at least as noted claims of Karmarkar are not limited to diverse/dissimilar games and example includes similar games), providing an input device adapted to allow the player to enter wager information (supra). allowing player to select a plurality of roulette games to play (17:33-18:30, 20:18-33, ref 460-466), allowing the player to create at least one set of wagers (sic, implicit), allowing the player to play a plurality of roulette games with the set of wagers at a single time (18:5-12, fig. 1-13, implicit), providing gaming lessons to player (sic). allowing the player to apply varying sets of wagers to the plurality of games (16:8-17:15, 17:33-18:30, 18:58-20:29, 20:38-21:45, :22:8-18, 22:35-26:35, fig. 1-13, implicit due to configured to permit placing wager on any game activity at any physical game table or game machine in complex mode or



Art Unit: 3712

wager for/against any player at any table or game machine while also adapted to permit placing multiple wagers (17:55-58, 19:53-54, 20:18-33, 22:35-53), allowing the player to place a progressive wager and determining a progressive game outcome based on outcomes from the plurality of games such as a progressive win outcome in one of the plurality of games where the prize is a progressive amount or a pre-determined amount (20:38-45, 22:8-18, implicit).

Karmarkar permits wagering on multiple simultaneous similar or dissimilar/diverse games that implicitly includes a plurality of live roulette table games transmitted from at least one game source or a plurality of game sources (*supra*).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claims 1-2 and 6-7 are rejected under 35 U.S.C. 102(e) as anticipated by Karmarkar or, in the alternative, under 35 U.S.C. 103(a) as obvious over Karmarkar in view of either Vuong (5762552) or Alden (5801766) or Franchi (5770533). As discussed above incorporated herein,

Art Unit: 3712

Karmarkar discloses a gaming system including a plurality of networked roulette game sources (as from either casino has a plurality of live roulette game tables with differing wager limits as conventional or a plurality of pre-recorded/stored live roulette game table play or a plurality of players playing at a either a single/plurality of live roulette game tables or a combination thereof), each game source being configured to transmit at least one game, at least one roulette game source comprising a live game source comprising a game being played on at least one physical roulette game, each game having a game outcome, a gaming device (ref 46, 54) including: a player input device allowing a player to place a wager on at least one of the games such as a touch screen (3:44-46), a player display allowing a plurality of games to be simultaneously presented to the player (fig. 13), a user interface in communication with the gaming device and configured to transmit data to the gaming device (figs. 1-13), a table management system in communication with the user interface, the table management system storing data received from the user interface (23:1-26:46, figs. 1-17, ref. 26, 28, 32, 34, 42, 46, 50, 54), a ball reader proximate the physical game table and transmitting game data to a first processor (13:32-36, ref 60, 70, 80, 152, 154, 156). a first video processor in communication with the live game source, the user interface, and the ball reader, the first video processor receiving data from the live game source, the first video processor configured to compress the live game source data and to transmit the compressed live game source data (23:1-26:46, figs. 1-17, ref, 26, 28, 32, 34, 42, 50, 54), a video server in communication with the plurality of game sources and configured to combine data from the plurality of game sources into a single data stream (refs. 26, 28, 32, 34, 50), a second video processor in communication with the video server, receiving the compressed data from the video server, decompressing the compressed data,

Art Unit: 3712

and transmitting the decompressed data to the player display; wherein the player may place a wager on the at least one game and wherein the player may play the plurality of games at a single time (ref. 46, 54), further comprising a video recording device such as a video camera, the video recording device recording the live game source and transmitting the recording to the first video processor (refs. 26, 28, 32, 34, 50). Regarding a ball reader proximate physical game table and transmitting game data to a first video processor, Karmarkar discusses a plurality of video cameras (20:36-37, ref. 60) proximate physical game tables where real time image processing techniques to generate encoded video of the progress and outcome of each of the ongoing games is implicitly, for a roulette table game, a ball reader at each of the plurality physical roulette game tables in a casino (13:32-36, 19:36-41, 21:31-45). As evidence only, Vuong (6:65-7:35, esp. 7:16-25) or Alden (figs. 1-3) or Franchi (13:66-14:18) each demonstrate an imaging system including a camera in conjunction with a processor using image processing techniques at a roulette table as a ball reader as claimed. Thus, Karmarkar is silent due to image processing techniques were common knowledge for <sup>remote</sup> roulette play. Alternatively, where Karmarkar lacks a ball reader as claimed (which the Office maintains is implicit due to what teachings within Karmarkar suggest to an artisan at time prior to invention), imaging systems such as a video camera in conjunction with a processor using image processing techniques at a roulette table to determine ball location is taught by each Vuong (6:65-7:35, esp. 7:16-25) or Alden ( figs. 1-3) or Franchi (13:66-14:18). Thus, it would have been obvious to an artisan at a time prior to the invention to add a ball reader proximate the physical game table and transmitting data to a first video processor as taught by either Vuong or Alden or Franchi to Karmarkar to determine ball location on a roulette wheel for enabling remote play outcome determination.

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Art Unit: 3712

15. Claims 12-13, 15, 39-40 and 42 are rejected under 35 U.S.C. 102(e) as anticipated by Karmarkar or, in the alternative, under 35 U.S.C. 103(a) as obvious over Karmarkar in view of either Adams (5743798) or Lamle (5048833) or Orenstein (5570885). As discussed above incorporated herein, Karmarkar discloses a gaming system, device or method comprising claimed features/steps including placing a progressive wager, determining a progressive game outcome where prize for winning progressive game is either a progressive or pre-determined amount (supra). Since Karmarkar discloses an automated system, device and method that permits remote progressive gaming across a plurality of networked casinos (20:38-45, 22:8-18), Karmarkar implicitly includes an interface card such as on a motherboard or within processor of gaming device or host in communication with display device configured to detect progressive bet and winning and a controller (such as in progressive game controller that tracks/accumulates and determines wins) in communication with interface card configured to credit progressive contributions and determine progressive amount. As evidence only that progressive play, as claimed was common knowledge or hornbook engineering that Karmarkar was not compelled to further discuss, see Adams (abstract, 2:16-62, 7:63-12:67, figs. 1-7, esp. 1, 3-4 and 7) or Lamle (abstract, 1:45-2:10, 2:23-3:16, 4:1-66, figs 1A-1B) or Orenstein (abstract, 1:43-2:51, 5:23-6:7, figs. 1-7) each disclose an interface card in communication with the display device, the interface card being configured to detect progressive bet and progressive winning, and a controller in communication with interface card, the controller being configured to credit progressive contributions and determine progressive amount. Thus, Karmarkar implicitly includes an interface card in communication with the display device, the interface card being configured to detect progressive bet and progressive winning, and a controller in communication with interface

Art Unit: 3712

card, the controller being configured to credit progressive contributions and determine progressive amount. Alternatively, although Karmarkar permits progressive bets, determines progressive wins and awards progressive or pre-determined prizes, Karmarkar fails to disclose an interface card in communication with the display device, the interface card being configured to detect progressive bet and progressive winning, and a controller in communication with interface card, the controller being configured to credit progressive contributions and determine progressive amount. Adams (abstract, 2:16-62, 7:63-12:67, figs. 1-7, esp. 1, 3-4 and 7) or Lamle (abstract, 1:45-2:10, 2:23-3:16, 4:1-66, figs. 1A-1B) or Orenstein (abstract, 1:43-2:51, 5:23-6:7, figs. 1-7) each disclose an interface card in communication with the display device, the interface card being configured to detect progressive bet and progressive winning, and a controller in communication with interface card, the controller being configured to credit progressive contributions and determine progressive amount to automate collection, win determination and awarding of progressive game prizes. Thus, it would have been obvious to an artisan at a time prior to the invention to add an interface card in communication with the display device, the interface card being configured to detect progressive bet and progressive winning, and a controller in communication with interface card, the controller being configured to credit progressive contributions and determine progressive amount as taught by either Adams or Lamle or Orenstein to Karmarkar so as to automate progressive gaming. It is further noted that Karmarkar teaches a remote player may wager on any other player on any gaming table or gaming device/machine. Thus, a remote player using Karmarkar system, device and method may place a progressive wager on any player at a gaming table or machine within a casino using Karmarkar's system, device or method that is playing a progressive game.

Art Unit: 3712

16. Claims 3 and 5 are rejected under 35 U.S.C. 102(e) as anticipated by Karmarkar or, in the alternative, under 35 U.S.C. 103(a) as obvious over Karmarkar in view of either Adams (5743798) or Lamle (5048833) or Orenstein (5570885) or, alternatively, over Karmarkar in view of either Vuong (5762552) or Alden (5801766) or Franchi (5770533) as applied to claim 1 above, each further in view of either Adams (5743798) or Lamle (5048833) or Orenstein (5570885). As discussed above incorporated herein, Karmarkar or Karmarkar in view of either Vuong or Alden or Franchi discloses a gaming system, device or method comprising claimed features/steps (supra) and further implicitly includes a progressive jackpot controller in communication with the gaming device, the progressive jackpot controller awarding a prize upon the occurrence of a randomly occurring event, and a machine interface card in communication with the gaming device and the progressive jackpot controller, the machine interface card transmitting progressive wager data to the second video processor (as discussed above incorporated herein). Alternatively, although Karmarkar or Karmarkar in view of either Vuong or Alden or Franchi permits progressive bets, determines progressive wins and awards progressive or pre-determined prizes across networked/linked casinos (sic), Karmarkar or Karmarkar in view of either Vuong or Alden or Franchi fails to disclose a progressive jackpot controller in communication with the gaming device, the progressive jackpot controller awarding a prize upon the occurrence of a randomly occurring event, and a machine interface card in communication with the gaming device and the progressive jackpot controller, the machine interface card transmitting progressive wager data to the second video processor. Adams (abstract, 2:16-62, 7:62-12:67, figs. 1-7, esp. 1, 3-4 and 7) or Lamle (abstract, 1:45-2:10, 2:23-3:16, 4:1-66, figs 1A-1B) or Orenstein (abstract, 1:43-2:51, 5:23-6:7, figs. 1-7) each disclose a

Art Unit: 3712

progressive jackpot controller in communication with the gaming device, the progressive jackpot controller awarding a prize upon the occurrence of a randomly occurring event, and a machine interface card in communication with the gaming device and the progressive jackpot controller, the machine interface card transmitting progressive wager data to the second video processor.

Thus, it would have been obvious to an artisan at a time prior to the invention to add a progressive jackpot controller in communication with the gaming device, the progressive jackpot controller awarding a prize upon the occurrence of a randomly occurring event, and a machine interface card in communication with the gaming device and the progressive jackpot controller, the machine interface card transmitting progressive wager data to the second video processor as taught by either Adams or Lamle or Orenstein to Karmarkar or Karmarkar in view of either Vuong or Alden or Franchi so as to automate progressive gaming. It is further noted that Karmarkar teaches a remote player may wager on any other player at any gaming table or gaming machine. Thus, a remote player using Karmarkar system or Karmarkar's system, device and method in view of either Vuong or Alden or Franchi may place a progressive wager on any player at a gaming table or machine within a casino using Karmarkar's system, device or method in view of either Vuong or Alden or Franchi that is playing a progressive game.

17. Claims 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar in view of either Adams (5743798) or Lamle (5048833) or Orenstein (5570885). As discussed above incorporated herein, Karmarkar discloses a gaming system, device or method comprising claimed features/steps (supra) except allowing the player to place at least one specialty bet, the specialty bet being based upon the probability of events happening across multiple games (claim 23) and based on outcomes from the plurality of games (claim 26), where

Art Unit: 3712

such determination is due in part to outcomes in each of multiple games. Adams (abstract, 2:16-62, 7:63-12:67, figs. 1-7, esp. 1, 3-4 and 7) or Lamle (abstract, 1:45-2:10, 2:23-3:16, 4:1-66, figs 1A-1B) or Orenstein (abstract, 1:43-2:51, 5:23-6:7, figs. 1-7) each disclose allowing the player to place at least one specialty bet, the specialty bet being based upon the probability of events happening across multiple games and determining a progressive game outcome based on outcomes from the plurality of games. It is noted that specialty or proposition bets are by Official Notice well known in wagering games to permit an additional side wager on an event that permits gaming hall or casino to increase its revenue while permitting gamer to be allowed another opportunity to win based on probability of event. Thus, it would have been obvious to an artisan at a time prior to the invention to add allowing the player to place at least one specialty bet, the specialty bet being based upon the probability of events happening across multiple games and determining a progressive game outcome based on outcomes from the plurality of games as taught by either Adams or Lamle or Orenstein to Karmarkar so as to increase revenue for a gaming hall or casino while permitting gamer another opportunity to win.

18. Claims 14, 28 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar in view of Adams '798. As discussed above incorporated herein, Karmarkar or Karmarkar in view of Adams (sic) discloses a gaming system, device or method comprising claimed features/steps including progressive gaming, as claimed, (supra) but fails to disclose/suggest random. Alternatively, Karmarkar in view of Adams as stated above incorporated herein includes an interface card and a controller as claimed. Adams further teaches random (abstract, 2:16-62, 7:63-12:67, figs. 1-7, esp. 1, 3-4 and 7) so as to add randomness to prize award that increases excitement for player. Thus, it would have been



Art Unit: 3712

obvious to an artisan at a time prior to the invention to add random as taught by Adams to Karmarkar or Karmarkar in view of Adams to increase excitement for player.

***Allowable Subject Matter***

19. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. The following is a statement of reasons for the indication of allowable subject matter: linking prize winning event being dependent upon outcome of multiple games sources appears allowable. It is noteworthy that progressive bonus references teach prize winning event dependent upon outcome of multiple events, but not multiple events from multiple sources.

***Conclusion***

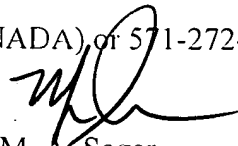
21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Soltys discloses system, device and method for remote wagering with capture of live table game play.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3712

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M. A. Sager  
Primary Examiner  
Art Unit 3712

mas